

**INDIVIDUAL MOTION PRACTICES AND RULES OF
Judge ROSLYNN R. MAUSKOPF**

**United States District Court
Eastern District of New York
225 Cadman Plaza
East Brooklyn, NY
11201**

**Courtroom: 6N
Telephone: (718)
613-2210 Fax: (718)
613-2216**

**Case Manager: Vivian Klein
Telephone: (718) 613-2215**

At every appearance before the Court, it is expected that counsel will be fully familiar with the case and, in civil matters, authorized to enter into settlement or disposition agreements.

Unless otherwise ordered, matters before Judge Mauskopf shall be conducted in accordance with the following rules:

I. Mandatory Electronic Case Filing (ECF)

- A.** All documents must be filed electronically. Questions regarding ECF filing or training should be directed to Terry Vaughn at (718) 613-2330.
- B.** Orders will be posted electronically. Parties not registered on ECF will not receive hard copies.
- C.** Courtesy copies of all motion papers (other than those submitted to the Magistrate Judge pursuant to Rule III.A.1 below) must be submitted to Chambers. All such papers must be clearly marked "Courtesy Copy" and indicate that the original was filed by ECF.
- D.** Parties filing voluminous or non-text exhibits shall submit one hard copy clearly marked "Original" for filing with the Clerk of Court and one hard courtesy copy for Chambers.
- E.** Pro se litigants are automatically exempt from mandatory ECF filing. However, parties represented by counsel in pro se cases must file documents by ECF and mail a hard copy of the documents to the pro se litigant.
- F.** Applications by attorneys for an exemption from the mandatory policy will be considered only for good cause hardship reasons. Such requests shall be made to the assigned Magistrate Judge.

G. Sealed documents or documents containing sealed/sensitive information must be submitted in hard copy only and labeled “File under seal.”

II. Communications With Chambers

A. Except as provided below, communication with Chambers shall be by letter, filed via ECF, with copies simultaneously delivered to all counsel. All papers must indicate the docket number followed by the initials of the Judge (RRM) and the initials of the Magistrate Judge assigned to the case. Copies of correspondence between or among counsel shall not be sent to the Court.

B. For docketing, scheduling, or calendar matters, call Case Manager Vivian Klein at (718) 613-2215. Please have the docket number readily available.

C. Other telephone calls to Chambers are permitted only in situations requiring immediate attention.

D. Faxes to Chambers are permitted only for time-sensitive requests and where copies are also simultaneously faxed or delivered to all counsel. Parties submitting a fax must still file the document via ECF unless otherwise exempted pursuant to Rule I above. No document longer than 10 pages may be faxed without prior authorization. Do not follow with a hard copy.

E. All requests for adjournments or extensions of time shall be filed by ECF, and must state:

- (1) The original date;
- (2) The number of previous requests for adjournments or extensions;
- (3) Whether these previous requests were granted or denied;
- (4) Whether the adversary consents, and, if not, the reason given by the adversary for refusing to consent;
- (5) Whether the extension affects any other scheduled dates. If so, the party must provide a proposed Revised Scheduling Order.

III. Civil Motions

A. Pre-Motion Conferences in Civil Cases

1. All motions concerning discovery shall be made to the assigned Magistrate Judge, in accordance with that Magistrate’s Individual Rules.

2. For any dispositive motion, motion for a change of venue, or motion to amend a pleading pursuant to Fed.R.Civ.P. 15 (where leave of court is required), a pre-motion conference is required. The movant shall send a letter to the court, not to exceed three (3) pages, requesting such conference, with a brief description of the grounds for such motion. Such letter shall be served on all parties. Opposition to requests for a pre-motion conference will not be considered.

3. If a party wishes to make a motion of the type listed in Rule III.A.2 before filing its answer, that party shall simultaneously request an extension of its time to answer when a pre-motion conference is requested.

4. No pre-motion conference shall be required for post-trial motions, pro se habeas

corpus/prisoner petitions, bankruptcy appeals, or objections to Reports and Recommendations.

B. Filing of Motion Papers

1. No motion papers (including a Notice of Motion) shall be filed until the motion has been fully briefed. The Notice of Motion and all supporting papers are to be served on the other parties in accordance with the briefing schedule, and shall include a cover letter setting forth whom the movant represents and the papers being served.

2. Once the motion is fully briefed, the original moving party shall be responsible for filing the full set of papers via ECF and providing Chambers with a full set of courtesy copies of the motion papers together with a cover letter specifying each document in the package. The adversary is responsible for providing the movant with a courtesy copy of its opposition papers for inclusion in the submission to Chambers. A copy of the cover letter shall be sent to the assigned Magistrate Judge and to opposing counsel.

3. Subject to Court approval, the parties are expected to arrange their own briefing schedule. Approval may be given at the pre-motion conference or by subsequent letter. No party is to serve any motion papers prior to obtaining Court approval of the schedule. No changes in the approved schedule may be made without Court approval.

4. Unless prior permission has been granted, memoranda of law in support of and in opposition to motions are limited to 25 pages and reply memoranda are limited to 10 pages, not including appendices or attachments. Memoranda in excess of 10 pages shall contain a table of contents and table of authorities.

5. The Court will determine whether to hear oral argument and, if so, will advise counsel of the argument date.

IV. Civil Pretrial Procedures

A. Unless otherwise ordered by the Court, within 60 days from the date for the completion of discovery in a civil case, and under the supervision of the Magistrate Judge, the parties shall submit to the Court for its approval a joint pretrial order which shall include the following:

1. The full caption of the action.

2. The names (including firm names), addresses, and telephone and fax numbers of trial counsel.

3. A brief statement by plaintiff as to the basis of subject matter jurisdiction, and a brief statement by each other party as to the presence or absence of subject matter jurisdiction. Such statements shall include citations to all statutes relied on and relevant facts as to citizenship and jurisdictional amount.

4. A brief summary by each party of the claims and defenses that party has asserted which remain to be tried, without recital of evidentiary matter, and including citations to all statutes relied on. Such summaries shall

identify all claims and defenses previously asserted which are not to be tried.

5. A statement by each party as to whether the case is to be tried with or without a jury, and the number of trial days needed.
6. A statement as to whether or not all parties have consented to trial of the case by a Magistrate Judge (without identifying which parties have or have not so consented).
7. Any stipulations or statements of fact or law which have been agreed to by all parties.
8. A list of the names and addresses of all witnesses, including possible witnesses who will be called only for impeachment or rebuttal purposes and so designated, together with a brief statement of the expected testimony of each witness. Only listed witnesses will be permitted to testify except when prompt notice has been given and good cause shown.
9. A designation by each party of deposition testimony to be offered in its case in chief, with any cross-designations and objections by any other party.
10. A schedule listing exhibits to be offered in evidence and, if not admitted by stipulation, the party or parties that will be offering them. The schedule will also include possible impeachment documents and/or exhibits, as well as exhibits that will be offered only on rebuttal. The parties will list and briefly describe the basis for any objections that they have to the admissibility of any exhibits to be offered by any other party. Parties are expected to resolve before trial all issues of authenticity, chain of custody and related grounds. Meritless objections based on these grounds may result in the imposition of sanctions. Only exhibits listed will be received in evidence except for good cause shown.

B. Unless otherwise ordered by the Court or specified below, each party shall file, fifteen (15) days before the date scheduled for commencement of trial:

1. In jury trials, proposed voir dire questions, requests to charge, and verdict sheet. Requests to charge should be limited to the elements of the claims, the damages and defenses. General instructions will be prepared by the Court. When feasible, proposed jury charges should be submitted via email in IBM WordPerfect format as well as in hard copy (contact Vivian Klein to obtain the appropriate email address).
2. A detailed statement regarding damages and other relief sought as to each claim.
3. In non-jury cases, a statement of the elements of each claim and a summary of the facts relied upon to establish each element.
4. In all cases, motions addressing any evidentiary or other issues which should be resolved *in limine* must be filed no later than twenty (20) days before the date scheduled for trial. Responses, if any, shall be due five (5) days later. Oral argument, if necessary, shall be scheduled at the discretion of the Court.
5. In any case where such party believes it would be useful, a pretrial memorandum.

C. Trial Exhibits

All exhibits to be used at trial shall be pre-marked and exchanged with the other parties at least ten (10) days before trial. No later than the first day of trial, all parties are to provide the Court with tabbed binders containing copies of all exhibits.

V. Post Trial Procedures

In non-jury trials, parties shall file proposed findings of fact and conclusions of law no later than ten (10) days after the conclusion of trial. No responses to such submissions shall be permitted.

Amended 6/19/08.